
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

GELT TRADING, LTD., v. CO-DIAGNOSTICS, INC. et al., Defendants.	Plaintiff, District Judge Jill N. Parrish Chief Magistrate Judge Dustin B. Pead	MEMORANDUM DECISION AND ORDER Case No. 2:20-cv-368 JNP DBP
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This matter comes before the court on Defendants' short form discovery motion seeking to postpone the deposition of non-party Cecilia Hutchins until March or April on a mutually agreeable date. (ECF No. 134.) Ms. Hutchins deposition is currently set for February 8, 2023. The court will grant the motion.

This is a straightforward disagreement by the parties that have demonstrated good cooperation in the past. Defendants request a modest extension of the deposition because Defendants recently obtained new counsel who needs time to prepare for the deposition and to become familiar with the case, the possibility of new counsel representing Ms. Hutchins who is a former employee, a lack of urgency as the discovery deadline is months away, and no demonstratable prejudice to any party.

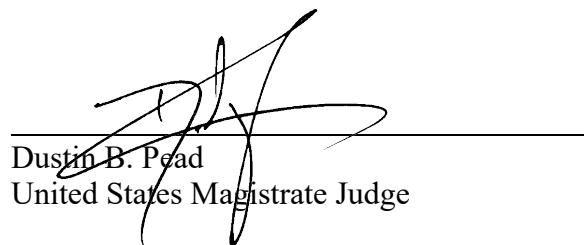
In opposition, Plaintiff argue there is no basis to postpone the deposition. Moreover, there will be prejudice because multiple firms have cleared their schedules and coordinated with the witness for February 8th. Plaintiff avers that "Finding another mutually agreeable date may prove difficult." (ECF No. 135.)

On the current facts the court is persuaded that a modest extension is acceptable. Plaintiff has not demonstrated any prejudice, and the mere fact that finding another date "may prove

“difficult” is not enough to establish it. Inconvenience is not the equivalent of prejudice. Allowing new counsel adequate time to prepare, and to gather and utilize appropriate discovery documents in the deposition, decreases the likelihood of needing to hold another deposition, which will save costs for parties. The cases Plaintiff cites to are unpersuasive and as noted by Defendants, cooperation between counsel is a hallmark in this district. *See, e.g., Pia v. Supernova Media, Inc.*, No. 2:09-CV-840-CW-PMW, 2012 WL 1145943, at *4 (D. Utah Apr. 5, 2012) (noting the “professional, courteous, and acceptable practice in this district” of working together to schedule convenient deposition dates).

Accordingly, Defendants’ motion is granted. Ms. Hutchins deposition should go forward on a convenient date in March or April.

DATED this 7 February 2023.



Dustin B. Pead
United States Magistrate Judge